IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

AND
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO. 1735 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/08/2002 in WP.No. 11674 OF 2002 on the file of the High Court.)

Between:

1 Managing Director A.P.S.R.T.C. Musheerabad, Hyderabad
2 Depot Manager, A.P.S.R.T.C. Eleswaram, East Godavari

District

..... APPELLANTS

AND

S.S.Narayana, Occ: Driver,

Staff No.E.455600, APSRTC, Eleswaram Depot
R/o.Paladwari Street, Near Shanmukhrao Hospital, Eleswaram,

East Godavari Dist

.....RESPONDENT

Counsel for the Appellants:MR.V.T.M.PRASAD (S.C.FOR APSRTC)

Counsel for the Respondent: MR.S.A.RAZAK

The Court made the following :

JUDGMENT: (PER the Hon'ble Sri Justice S.Ananda Reddy)

This writ appeal is filed by the Corporation-appellants herein aggrieved by the order dated 6.8.2002 in W.P.No.11674 of 2002, by which a learned single Judge of this Court directed the appellants to provide alternative employment to the respondent-writ petitioner within a period of three months.

The writ petitioner-respondent herein worked as a driver in the Corporation and he retired from service on the ground that he was medically unfit to hold the post of driver. However, the writ petitioner-workman sought alternative employment in terms of provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for brevity 'the Act'). The Corporation refused to give him alternative employment. This order of the Corporation was challenged before the learned single Judge who passed the impugned order.

Learned Counsel for the appellants contended that in view of the disability, the respondent-writ petitioner was not in a position to discharge any of the duties and, therefore, he is not entitled to even alternative employment. We are unable to agree with this contention because it is against the provisions of Section 47 of the Act which lays down that,

> "No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service;
>
> Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits;
>
> Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier."

In these circumstances, we do not find any interference is needed in the order of the learned Single Judge. Accordingly the writ appeal is liable to be dismissed.

In the result, the Writ Appeal is dismissed. The appellant-Corporation is directed to implement the order of the learned single Judge with all consequential benefits. No costs.

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(T.MEENA KUMARI, J)

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(S.ANANDA REDDY, J)

03-02-2005

Gsn.

To

1. The Managing Director A.P.S.R.T.C. Musheerabad,

   Hyderabad
2. The Depot Manager, A.P.S.R.T.C. Eleswaram, East

   Godavari District
3. Two CD copies.

HON'BLE MRS.JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE S.ANANDA REDDY

W.A.No.1735 of 2002

(Judgment of the Division Bench delivered by

the Hon'ble Sri Justice S.Ananda Reddy)

03-02-2005